

# Court of Appeals, State of Michigan

## ORDER

21 Long Lake Holdings LLC v Grotefeld & Denenberg LLC

Kathleen Jansen  
Presiding Judge

Docket No. 293149

Deborah A. Servitto

LC No. 2008-091534-CK

Elizabeth L. Gleicher  
Judges

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In lieu of granting this delayed application for leave to appeal, the Court orders pursuant to MCR 7.205(D)(2), that the March 26, 2009 order setting aside the default is VACATED and this matter is REMANDED for the court's consideration of defendant's alternative argument: that the Michigan courts lack personal jurisdiction over it. The trial court erred in finding that plaintiff did not properly serve defendant-appellant Grotefeld & Hoffman, LLP, with the summons and complaint. Under the circumstances, service on defendant-appellant's receptionist complied with MCR 2.105(C), and defendant-appellant clearly was informed of this action. Thus, due process was satisfied, MCR 2.105(J), and any perceived deficiency in service is not a basis for setting aside the default. In addition, plaintiff demonstrated that it served defendant with notice of the entry of default. The trial court erred in finding to the contrary and deeming this a basis for setting aside the default.

This matter is REMANDED to the trial court for consideration of defendant's argument that the Michigan courts do not have personal jurisdiction over it and to determine whether it should set aside the default on this basis.

This order shall have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 09 2009  
Date

*Sandra Schultz Mengel*  
Chief Clerk